

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22CR00403 HEA
)	
MARK ANTHONY DIGGS,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, Defendant Mark Anthony Diggs has pleaded guilty to Counts One and Two of an Indictment charging the offenses of Interference with Commerce by Threats or Violence, in violation of Title 18, United States Code, Section 1951; and Possession of a Firearm in Furtherance of a Crime of Violence, in violation of Title 18, United States Code, Section 924(c);

WHEREAS, the Indictment also alleged the forfeiture of certain property as a result of the offenses alleged in Counts One and Two;

WHEREAS, in the written Guilty Plea Agreement, Defendant agreed to the forfeiture of all property under the applicable statutes and the entry of a forfeiture money judgment at sentencing in the amount of \$217,500.00;

WHEREAS, because the Government has not identified specific property warranting forfeiture at this time, the Court may enter a Preliminary Order of Forfeiture describing the property to be forfeited in general terms pursuant to Federal Rule of Criminal Procedure 32.2(b)(2)(C);

AND WHEREAS, pursuant to Rules 32.2(b)(6) and (c)(1), to the extent that the Preliminary Order of Forfeiture consists of a forfeiture money judgment and does not identify specific property to be forfeited, neither notice to third parties nor an ancillary proceeding is required;

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. That the following property is hereby forfeited to the United States:
 - a. Pursuant to Title 18, United States Code, Sections 924 and 981(a) and Title 28, United States Code, Section 2461, any property, real or personal, constituting or derived from any proceeds traceable to the offense of Interference with Commerce by Threats or Violence; and any firearm or ammunition involved in, used, or intended to be used in such offense; and
 - b. Pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in, used, or intended to be used in the offense of Possession of a Firearm in Furtherance of a Crime of Violence.
2. That a forfeiture money judgment is entered against Defendant and in favor of the United States in the sum of \$217,500.00, and that Defendant is directed to pay that amount.
3. That pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States is hereby authorized to conduct any discovery permitted by the Federal Rules of Civil Procedure in order to identify, locate, or dispose of any property subject to forfeiture under this order, including depositions, interrogatories, subpoenas, and requests for production.
4. That this Order will be amended under Federal Rule of Criminal Procedure 32.2(e) in the event that specific property warranting forfeiture is identified.

5. That pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure and Defendant's consent, this Order is now final as to Defendant, and shall be made part of the sentence and included in the judgment.

6. That this Court shall retain jurisdiction for the purpose of enforcing this Order and permitting amendments hereto as set forth in Federal Rule of Criminal Procedure 32.2.

The Clerk is hereby directed to send copies of this order to all counsel of record and the United States Marshal.

So ordered this _____ day of _____, 2023.

HONORABLE HENRY E. AUTREY
UNITED STATES DISTRICT JUDGE